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9-24-04

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18 July 2004

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Application/Control Number 09/881,709

All of the invention and its claims are owned by Mikael Flovén.

Comment to specifications

1. See attached corrected version of the application
2. See attached corrected version of the application.
3. Claim 12-22 are objected to.
 - a. Claim 12 should read: "according to claim 1.
 - b. Claim 13 should read: "according to claim 1.
 - c. Claim 14 should read: "according to claim 1.
 - d. Claim 15 should read: "according to claim 1.
 - e. Claim 16 should read: "according to claim 1.
 - f. Claim 17 should read: "according to claim 1.
 - g. Claim 18 should read: "according to claim 1.
 - h. Claim 19 should read: "according to claim 1.
 - i. Claim 20 should read: "according to claim 1.
 - j. Claim 21 should read: "according to claim 1.
 - k. Claim 22 should read: "according to claim 1.
4. See attached corrected version of the application.
5. See attached corrected version of the application.
6. See attached corrected version of the application.
7. See attached corrected version of the application.
8. See attached corrected version of the application.

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Comment to Claim Rejections – 35 USC § 102

United States Patent and Trademark Office have made rejections to claims 1-11 and 23-30. The following text is respectfully clarifying and emphasising why claims 1, 4-11 and 23-24 should be allowed.

Cook et al has some similarities with App.no 09/881,709, but also mayor differences. Briefly Cook et al has the functionality of using content, defined as Instructional Materials and Materials Engine (page 16, line 18 and 25 respectively), and with the use of Agent Software (page 15, line 19) give proper response to the student, preferably in shape of a Persona (page 17, line 16).

The invention described in App.no. 09/881,709 has no explicit Persona, but intelligence built in to give and handle responses to the user. The main difference not taken into consideration or mentioned by Cook et al, is that the content in App.no. 09/881,709 is processed and new for each user.

This means that App.no. 09/881,709 has no such thing as a course/lesson/chapter as described by Cook et al.

To further highlight the difference, Cook et al are describing their invention as "...approximating a real tutor." (page 7, line 23). This is further described as "...teachers can customize existing materials...instances of students." (page 20, line 17-23.), i.e. manually adjust or change the content/books used.

App.no. 09/881,709 is encompassing much more, since the production of content which in the real world is done by the publishing houses, are pursued by the invention. On top of this, the manual activities that are described by Cook et al, are completely offset by algorithms, which automatically initiates intelligent behaviour as soon as the user has registered. The manual options that exist are more to put restraints on the invention described in App.no. 09/881,709. Cook et al uses the manual options to invoke and initiate acting.

Cook et al is in many ways similar to the US Patent number 5,904,485, hereon mentioned as "Siefert". To stress the differences between App.no 09/881,709 and Cook et al, the patent by Siefert is included. The similarities between Cook et al and Siefert will also be clear.

To invent the hand-loom and weave two meters of cloth per day compared with inventing the power-loom, like the Spinning Jenny, and being able to weave two thousand meters of cloth per day is a dramatic difference. The difference between Cook et al and App.no. 09/881,709 is of this great magnitude.

The detailed differences per claim are further described in the following.

Claim 1

The claim rejections are missing the full meaning of: “process and convey data from the first database to the user”. The rejections made, do not considerate that the first database (fig 3, item 4) contains new content made for each user. App.no. 09/881,709 is, as put in claim 1, also processing the data in the first database, which means creating completely new material for the user. This content has been created automatically by processing. (fig 5, item 5). In Cook et al the content is fixed and manually updated.

There are several paragraphs describing the invention of Cook et al that show this huge difference.

Complete courses/lessons/chapters

Cook et al has proposed an invention that is working with complete courses/lessons/chapters, “Instructional Materials: the components of a course...unit tests. (page 16, line 18-21), “reponse is derived from lesson notations...scheduler/calendar.” (page 61, line 25-28), “In particular...current lesson subtype...” (page 115, line 10-13.) and is therefore unable to create completely new content as is done by App.no. 09/881,709. (Claim 1, 4-7, 9 and 23)

Another example of Cook et al to use courses/lessons/chapters is the response handling “IMIS is also...” “Where am I?” inquiries.” (page 113, line 29-31.) In the invention described in App.no. 09/881,709, such question as “Where am I?” would be meaningless.

Cook et al teaches a system that “...utilize augmented computer-assisted instruction materials which present to students a variety of interactive, adaptive, and self-paced computer-assisted instruction and homework materials...pedagogic characteristics” (page 10, line 25-31.)

Cook et al is also based on manual monitoring “This tailoring...staff.” (page 60, line 8-9.), “More advanced students...sections from book to book.” (page 89, line 24-26.), “The schedule...student activities.” (page 91, line 3-8.), “It is also...to develop new modalities of instruction.” (page 102, line 4-9), “Important teacher activities...e-mail facilities.” (page 64, line 8-32), “Materials...standard formats.” (page 67, line 1-13)

Cook et al describes agent adaptivity, which is the relevant difference as the agent is not described as changing the content or material itself. “The agent updates...with this student.” (page 128, line 35-37 and page 129, line 1-2.)

App.no. 09/881,709 differs substantially from Cook et al, as clearly is stated: “...the apparatus uses the information in the first database to create knowledge services...” (page 5, line 12-14). This states that there are no courses/lessons/classes that are used. Instead the content is automatically created by the invention in App.no. 09/881,709. And the content, as questions and exercises, are tailored and made for every user.

Persona

Cook et al presents an invention focused on the interaction between the user and the system. This interaction concerns variances of feedback, expressing feelings in different ways “system responses should...classes of students.” (page 60, line 5-8.), “Typically...data object.” (page 123, line 34-37), “It is preferable...each affect.” (page 124, line 30-37.) This detailed description is not made in App.no. 09/881,709, since Cook et al is focused on user interface, whereas App.no. 09/881,709 is focused on the content and handling that.

Response or act

This difference is also how the system works with respect to responsive and invoking. App.no. 09/881,709 is based on intelligent actions by the apparatus (fig 3, item 5). It is not dependant on input from the user, more than knowing the user exist and the user's user terminal. Cook et al is relying on the student's input "From the...data object." (page 7, line 34-36) where App.no. 09/881,709 already has learnt from every other user and also is acting without directions from the student.

LMS

When understanding Cook et al and The General Tools", one wonders if not App.no 09/881,709 would fit into this description as a "General Tool" and therefore defining the invention of Cook et al as a LMS, learning management system. "The general tools...or industrial training. (Page 88, line 6-34.), "Student linking is...a server system." (page 94, line 13-26.)

US Patent number 5,904,485, hereon mentioned as "Siefert", is very similar to Cook et al.

Siefert describes explicitly the delivery to the student as "programs": (page 8 line 65-67 and column 9 line 1-3). "There are numerous types of such programs, and hundreds, and perhaps thousands, are commercially available today."

App.no. 09/881,709 differs substantially from Siefert as well as Cook et al, as clearly is stated: "...the apparatus uses the information in the first database to create knowledge services..." (page 5, line 12-14). This states that there are no courses/lessons/classes that are used. Instead the content is automatically created by the invention in App.no. 09/881,709. And the content, as questions and exercises, are tailored and made for every user.

Siefert, as well as Cook et al, does not create content at all. Siefert chooses among existing content: "...the invention contains the vast array of lessons needed..."(page 7, line 41-42), which mentions chapters/lessons. And: "From a more focused viewpoint, the present standing refers to the courses presently being taken, and the progress made in each. For example, in a high-school course in algebra containing 60 lessons, the present standing will indicate the number of lessons successfully completed." (page 8 line 10-15).

Siefert adjusts a fixed content to the student manually set profile: "The invention obtains necessary data from the student, such as name, age, and previous learning completed in school. This information allows the AI to place the student in the proper grade." (page 10, line 66-67 and page 11 line 1-3).

Cook et al uses the databases to register the student's use of courses/lessons/chapters, while App.no. 09/881,709 automatically creates new content, processing, for every user. This can not be done as described by Cook et al.

Claim 4

The rejections made, do not considerate that the first database (fig 3, item 4) contains new content made for each user. This content has been created automatically by processing. (fig 5, item 5) Therefore this claim is fundamentally different from the invention by Cook et al.

Claim 5

The rejections made, do not considerate that the first database (fig 3, item 4) contains new content made for each user. This content has been created automatically by processing. (fig 5, item 5) Therefore this claim is fundamentally different from the invention by Cook et al.

Claim 6

The rejections made, do not considerate that the first database (fig 3, item 4) contains new content made for each user. This content has been created automatically by processing. (fig 5, item 5) Therefore this claim is fundamentally different from the invention by Cook et al.

Claim 7

The rejections made, do not considerate that the first database (fig 3, item 4) contains new content made for each user. This content has been created automatically by processing. (fig 5, item 5) Therefore this claim is fundamentally different from the invention by Cook et al.

Claim 8

The rejections made, do not considerate that the first database (fig 3, item 4) contains new content made for each user. This content has been created automatically by processing. (fig 5, item 5) Therefore this claim is fundamentally different from the invention by Cook et al.

Claim 9

The rejections made, do not considerate that the first database (fig 3, item 4) contains new content made for each user. This content has been created automatically by processing. (fig 5, item 5) Therefore this claim is fundamentally different from the invention by Cook et al.

And the rejections quoted from Cook et al (page 60, line 1-9) also emphasizes on line 8-9 that Cook et al is relying on manual input, where App.no. 09/881,709 is working without manual input.

Claim 10

The rejections made, do not considerate that the first database (fig 3, item 4) contains new content made for each user. This content has been created automatically by processing. (fig 5, item 5) Therefore this claim is fundamentally different from the invention by Cook et al.

Claim 11

The rejections made, do not considerate that the first database (fig 3, item 4) contains new content made for each user. This content has been created automatically by processing. (fig 5, item 5) Therefore this claim is fundamentally different from the invention by Cook et al.

Claim 23

The rejections made, do not considerate that the first database (fig 3, item 4) contains new content made for each user. This content has been created automatically by processing. (fig 5, item 5) Therefore this claim is fundamentally different from the invention by Cook et al.

Claim 24

The rejections made, do not considerate that the first database (fig 3, item 4) contains new content made for each user. This content has been created automatically by processing. (fig 5, item 5) Therefore this claim is fundamentally different from the invention by Cook et al.